

Town Board Minutes
(Municipal Review Committee)

Meeting
No. 20

Special Meeting

June 7, 2004

Town Board Minutes

June 7, 2004

Meeting No. 20

A joint meeting of the Town Board and the Planning Board of the Town of Lancaster, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York on the 7th day of June 2004, at 6:30 PM and there were

PRESENT: DANIEL AMATURA, COUNCIL MEMBER
MARK MONTOUR, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR
LAWRENCE KORZENIEWSKI, PLANNING BOARD MEMBER
MICHAEL MYSKA, PLANNING BOARD MEMBER
STEVEN SOCI, PLANNING BOARD MEMBER
MELVIN SZYMANSKI, PLANNING BOARD MEMBER
STANLEY KEYS, PLANNING BOARD CHAIRMAN

ABSENT: DONNA STEMPNIAK, COUNCIL MEMBER
REBECCA ANDERSON, PLANNING BOARD MEMBER
JOHN GOBER, PLANNING BOARD MEMBER

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
RICHARD SHERWOOD, TOWN ATTORNEY
JEFFREY SIMME, BUILDING INSPECTOR
ROBERT LABENSKI, TOWN ENGINEER

PURPOSE OF MEETING:

This joint meeting of the Town Board and Planning Board of the Town of Lancaster was held for the purpose of acting as a Municipal Review Committee for two (2) actions.

**IN THE MATTER OF THE SEQR REVIEW OF THE
CARQUEST DISTRIBUTION CENTER
SITE PLAN**

The Municipal Review Committee proceeded with the Long Environmental Assessment Form on the Carquest Distribution Center Site Plan matter with an item for item review and discussion of the project impact and magnitude as outlined on the Long Environmental Assessment Form entitled "Part 2 Project Impacts and Their Magnitude" which was provided to each member.

**THE FOLLOWING RESOLUTION WAS OFFERED
BY PLANNING BOARD MEMBER SZYMANSKI
WHO MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:**

RESOLVED, that the following Negative Declaration be adopted:

**NOTICE OF DETERMINATION
CARQUEST DISTRIBUTION CENTER SITE PLAN
NEGATIVE DECLARATION**

PLEASE TAKE NOTICE, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is a Type 1 action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.7, the lead agency now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with 617.12.

NAME AND ADDRESS OF LEAD AGENCY

Town of Lancaster
21 Central Avenue
Lancaster, New York 14086
Richard J. Sherwood, Town Attorney
716-684-3342

NATURE, EXTENT AND LOCATION OF ACTION:

The proposed development is of a parcel involving approximately 9.6 acres.

The location of the premises being reviewed is on the south side of Walden Avenue, 2,000 feet east of Pavement Road, County of Erie, Lancaster, New York.

REASONS SUPPORTING DETERMINATION

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found the proposed action impacts to be as follows:

1. The proposed action will result in a small to moderate physical change to the project site.

It is noted that the Municipal Review Committee considered each issue raised by the Erie County Department of Environment & Planning in their letter dated May 12, 2004 and deems the issues to be non-significant. It is further noted that the anticipated water table is at approximately five (5) feet, perched is three (3) feet. Drainage improvements at the site will reduce the effect of the water table.

2. The proposed action will not effect any unique or unusual land forms found on the site.
3. The proposed action will not affect any water body designated as protected.
4. The proposed action will not affect any non-protected existing or new body of water.
5. The proposed action will have a small to moderate impact on surface or ground water quality or quantity.

It is noted that a State Pollution Discharge Elimination System (SPDES) General Permit for Discharge from Construction Activities is required during construction.

6. The proposed action will not alter drainage flow patterns or surface water runoff.
7. The proposed action will not affect air quality.
8. The proposed action may have a small to moderate impact on threatened or endangered species.

It is noted that pesticide or herbicide will be used for lawn care more than twice per year.
9. The proposed action will not substantially affect non-threatened or non-endangered species.

10. The proposed action will not affect agricultural land resources.

11. The proposed action will not affect aesthetic resources.

12. The proposed action will not impact any site or structure of historic, pre-historic or paleontological importance.

It is noted that the State Historic Preservation Office map does not indicate the project site to be in an historically sensitive area. There is nothing related to this location to suggest that it is an historical site.

13. The proposed action will not affect the quantity or quality of existing or future open spaces or recreational opportunities.

14. The Town of Lancaster has not established a critical environmental area (CEA) pursuant to subdivision 6NYCRR617.14(g), therefore the proposed action will not impact the exceptional or unique characteristics of a critical environmental area (CEA).

15. The proposed action may have a small to moderate impact on existing transportation patterns.

16. The proposed action will not affect the community's sources of fuel or energy supply.

17. There will not be objectionable odors, noise, or vibration as a result of this proposed action.

18. The proposed action will not affect public health and safety.

19. The proposed action will have a small to moderate impact on the character of the existing community.

It is noted that there may be an increased demand for police and fire service and an increase in employment.

20. There is not, nor is there likely to be, public controversy related to potential adverse environmental impacts.

s/s _____

SEAL

Robert H. Giza, Supervisor
Town of Lancaster

June 7, 2004

and,

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and

BE IT FURTHER

RESOLVED, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

The question of the adoption of the foregoing Notice of Determination was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES
PLANNING BOARD MEMBER ANDERSON	WAS ABSENT
PLANNING BOARD MEMBER GOBER	WAS ABSENT
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED YES
PLANNING BOARD MEMBER MYZKA	VOTED YES
PLANNING BOARD MEMBER SOCHA	VOTED YES
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	VOTED YES

The Notice of Determination was thereupon unanimously adopted.

June 7, 2004

**IN THE MATTER OF THE SEQR REVIEW OF THE
HARRIS HILL NURSING FACILITY ADDITION
SITE PLAN**

The Municipal Review Committee proceeded with the Long Environmental Assessment Form on the Harris Hill Nursing Facility Addition matter with an item for item review and discussion of the project impact and magnitude as outlined on the Long Environmental Assessment Form entitled "Part 2 Project Impacts and Their Magnitude" which was provided to each member.

**THE FOLLOWING RESOLUTION WAS OFFERED
BY PLANNING BOARD MEMBER SOCHA
WHO MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:**

RESOLVED, that the following Negative Declaration be adopted:

**NOTICE OF DETERMINATION
HARRIS HILL NURSING FACILITY ADDITION
SITE PLAN
NEGATIVE DECLARATION**

PLEASE TAKE NOTICE, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is an unlisted action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.7, the lead agency now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with 617.12.

NAME AND ADDRESS OF LEAD AGENCY

Town of Lancaster
21 Central Avenue
Lancaster, New York 14086
Richard J. Sherwood, Town Attorney
716-684-3342

NATURE, EXTENT AND LOCATION OF ACTION:

The proposed development is of a parcel involving approximately 1.3 acres.

The location of the premises being reviewed is 2699 Wehrle Drive, County of Erie, Lancaster, New York.

REASONS SUPPORTING DETERMINATION

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found the proposed action impacts to be as follows:

1. The proposed action will not result in a physical change to the project site.
2. The proposed action will not effect any unique or unusual land forms found on the site.
3. The proposed action will not affect any water body designated as protected.
4. The proposed action will not affect any non-protected existing or new body of water.
5. The proposed action will have a small to moderate impact on surface or ground water quality or quantity.

It is noted that a State Pollution Discharge Elimination System (SPDES) General Permit for Discharge from Construction Activities is required during construction.

6. The proposed action will not alter drainage flow patterns or surface water runoff.
7. The proposed action will not affect air quality.
8. The proposed action will have a small to moderate impact on threatened or endangered species.

It is noted that pesticide or herbicide will be applied more than twice a year for lawn care.

9. The proposed action will not substantially affect non-threatened or non-endangered species.
10. The proposed action will not affect agricultural land resources.
11. The proposed action will not affect aesthetic resources.
12. The proposed action may a small to moderate impact on a site or structure of historic, pre-historic or paleontological importance.

It is noted that the project site is within one-third of a mile from the Gipple Cabin, which is located south of Wehrle Drive and west of Harris Hill Road. The Gipple Cabin, circa 1803, is a small Yankee log cabin and is the oldest building still standing in Erie County. A study prepared by Commonwealth Cultural Resources Group has previously made a determination of no significant archaeological findings.

13. The proposed action will not affect the quantity or quality of existing or future open spaces or recreational opportunities.
14. The Town of Lancaster has not established a critical environmental area (CEA) pursuant to subdivision 6NYCRR617.14(g), therefore the proposed action will not impact the exceptional or unique characteristics of a critical environmental area (CEA).
15. The proposed action will have a small to moderate impact on existing transportation systems.

It is noted that there will be an alteration of present patterns of movement of people and/or goods.
16. The proposed action will not affect the community's sources of fuel or energy supply.
17. There will not be objectionable odors, noise, or vibration as a result of this proposed action.
18. The proposed action will not affect public health and safety.
19. The proposed action may have a small to moderate impact on the character of the existing community.

It is noted that there could be increased demand for police, fire and ambulance services and an increase in employment
20. There is not, nor is there likely to be, public controversy related to potential adverse environmental impacts.

s/s _____

SEAL

Robert H. Giza, Supervisor
Town of Lancaster

June 7, 2004

and,

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and

BE IT FURTHER

RESOLVED, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

The question of the adoption of the foregoing Notice of Determination was duly put to a voice vote which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES
PLANNING BOARD MEMBER ANDERSON	WAS ABSENT
PLANNING BOARD MEMBER GOBER	WAS ABSENT
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED YES
PLANNING BOARD MEMBER MYSZKA	VOTED YES
PLANNING BOARD MEMBER SOCHA	VOTED YES
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	VOTED YES

The Notice of Determination was thereupon unanimously adopted.

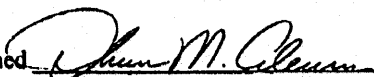
June 7, 2004

ADJOURNMENT:

**ON MOTION OF PLANNING BOARD MEMBER SZYMANSKI AND
SECONDED BY PLANNING BOARD CHAIRMAN KEYSA FOR ADJOURNMENT OF THE
MEETING which resulted as follows:**

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES
PLANNING BOARD MEMBER ANDERSON	WAS ABSENT
PLANNING BOARD MEMBER GOBER	WAS ABSENT
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED YES
PLANNING BOARD MEMBER MYSZKA	VOTED YES
PLANNING BOARD MEMBER SOCHA	VOTED YES
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	VOTED YES

The meeting was adjourned at 7:07 P.M.

Signed 
Johanna M. Coleman, Town Clerk

Town Board Minutes

Meeting No. 21

Regular Meeting

June 7, 2004

Town Board Minutes

June 7, 2004

Meeting No.21

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 7th day of June, 2004 at 8:00 P.M. and there were

PRESENT: DANIEL AMATURA, COUNCIL MEMBER
MARK MONTOUR, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR

ABSENT: DONNA STEMPIAK, COUNCIL MEMBER

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
ROBERT LABENSKI, TOWN ENGINEER
RICHARD SHERWOOD, TOWN ATTORNEY
JEFFREY SIMME, BUILDING INSPECTOR
GARY STOLDT, CHIEF OF POLICE
CHRISTINE FUSCO, ASSESSOR

EXECUTIVE SESSION:

UPON MOTION DULY MADE BY COUNCIL MEMBER MONTOUR, SECONDED BY COUNCIL MEMBER AMATURA by voice vote, to deliberate in Executive Session for the announced purpose of discussing a particular personnel matter in the Police Department, resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

At 10:45 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

PERSONS ADDRESSING TOWN BOARD:

Chowanec, Lee, 93 Northwood Drive, spoke to the Town Board on the following matters:

- Comments about growth and development.
- Inquired if the Supervisor considers the cumulative effect of development.
- Questions about ingress & egress to Northwood Drive.
- Inquired as to who maintains detention ponds and islands on cul-de-sac.

Howell, Gary, 48 Park Blvd., spoke to the Town Board on the following matters:

- Inquired as to what does "SHALL" mean in the changes to zoning code.
- Asked if an owner can request a variance.
- Questions about the proposed zoning codes regulating the storage of wastes.

Siefert, Greg, representing CarQuest, spoke to the Town Board on the following matter:

- Stated that he is available to answer any questions from the Town Board and the public.

Fronczak, Michael, 3 Woodstream Drive, spoke to the Town Board on the following matters:

- Wants to know if the developer of the subdivision behind his home has the legal right to clear his (Fronczak's) property.
- Questioned if the developer can disturb nesting birds.

PUBLIC HEARING SCHEDULED FOR 8:30 P.M.:

At 8:30 P.M., the Town Board held a Public Hearing to hear all interested persons upon a proposed application for a Special Use Permit for warehousing and storage services for Monti Concrete Construction, Inc.

The affidavits of publication of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME	ADDRESS	Proponent/ Opponent/ Comments/Questions
Robert Monti, the petitioner	11 Farmview Court	Proponent

ON MOTION BY COUNCIL MEMBER MONTOUR, AND SECONDED BY COUNCIL MEMBER AMATURA, FOR ADJOURNMENT OF THE PUBLIC HEARING, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

The Public Hearing was adjourned at 8:34 P.M.

The Supervisor informed those present that the Town Board would reserve decision on this matter.

June 7, 2004

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AMATURA, TO WIT:

RESOLVED, that the minutes of the Joint Meeting of the Planning Board and the
Town Board held May 17, 2004 and the Regular Meeting of the Town Board held May 17, 2004
be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on
roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

June 7, 2004

File: RMIN (P2)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the hours of operation for Town offices were set by resolution adopted by the Town Board on January 1, 2004, and

WHEREAS, many individuals are desirous of flexible working hours during the summer months.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board authorizes department heads to incorporate, at their discretion, flexible working hours for the period June 1, 2004 through August 27, 2004 inclusive, with employees rotating working hours between 8:30 A.M. to 4:30 P.M. and 9:00 A.M. to 5:00 P.M., with all employees required to take the usual 1-hour lunch break, and always ensuring that at least one (1) individual covers the office between the required Town office hours of 9:00 A.M. and 5:00 P.M., and

BE IT FURTHER

RESOLVED, that the policy applies to the following departments:

Town Clerk
Assessor
Building Inspector
Parks & Recreation

Courts
Town Attorney
Engineering
Youth Bureau

and,

BE IT FURTHER

RESOLVED, that this policy is retroactive to June 1, 2004.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

June 7, 2004

file: rset town hall hrs

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, McGuire Group Care Facilities, 100 Seneca Street, Buffalo, New York has submitted a Site Plan prepared by Greenman-Pedersen, Inc. dated April, 2004 and received April 20, 2004 for the proposed development of a 28,597 \pm square foot, 55 \pm bed addition to an existing skilled nursing facility (Harris Hill Nursing Facility) to be located at 2699 Wehrle Drive in the Town of Lancaster, and

WHEREAS, the Planning Board has reviewed the plan and at its meeting May 5, 2004 has recommended approval of this project, and

WHEREAS, a SEQR Review of this project was held June 7, 2004 and a negative declaration was issued at that time;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the Site Plan submitted by McGuire Group Care Facilities and prepared by Greenman-Pedersen, Inc. dated April, 2004 and received April 20, 2004 for the proposed development of a 28,597 \pm square foot, 55 \pm bed addition to an existing skilled nursing facility to be located at 2699 Wehrle Drive, in the Town of Lancaster with the following conditions:

- 1.) Lighting plan to be provided showing 15 foot lighting with flat lenses.
- 2.) Landscape plan to be provided for approval by Crew Chief Terrence McCracken.
- 3.) Planning Board encourages low lumen, low height perimeter lighting.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

June 7, 2004

File: rsharrisillnursingfacilityaddition504

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, CarQuest Auto Parts, 2635 E. Millbrook Road, Raleigh, North Carolina, has submitted a Site Plan prepared by Hatch Mott MacDonald dated March 30, 2004 and received April 20, 2004 for the proposed construction of a 119,688 square foot distribution warehouse and office space on approximately 9.6 acres to be located at 4323 Walden Avenue in the Town of Lancaster, and

WHEREAS, the Planning Board has reviewed the plan and at its meeting May 5, 2004 has recommended approval of this project, and

WHEREAS, a SEQR Review of this project was held June 7, 2004 and a negative declaration was issued at that time;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the Site Plan submitted by CarQuest Auto Parts prepared by Hatch Mott MacDonald dated March 30, 2004 and received April 20, 2004 for the proposed construction of a 119,688 square foot distribution warehouse and office space on approximately 9.6 acres to be located at 4323 Walden Avenue in the Town of Lancaster with the following conditions:

- 1) Landscaping changes to be made as recommended by Crew Chief Terrance McCracken.
- 2) Gravel driveway to be built along east side of building to support fire vehicles.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

June 7, 2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AMATURA, TO WIT:

WHEREAS, Skok Power Systems Inc. situate at 73 Cemetery Road, in the Town of Lancaster, has submitted an application for a Special Use Permit for spraying of truck bed liners, a motor vehicle use, in accordance with provisions of Chapter 50-Zoning, Section 20 (B) (1) (j) of the Code of the Town of Lancaster;

WHEREAS, §50-46 of the Zoning Code of the Town of Lancaster requires that the Town Board conduct public hearings before the issuance of a special use permit for a use as proposed;

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Chapter 50-Zoning, Section 20 (B) (1) (j), entitled "Commercial and Motor Service District (CMS)" of the Code of the Town of Lancaster, a Public Hearing on the proposed Special Use Permit for spraying of truck bed liners on premises locally known as 73 Cemetery Road in the Town of Lancaster, New York, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 21st day of June 2004, 8:30 o'clock P.M., Local Time, and that Notice of the time and place of such Hearing be published in the Lancaster Bee, a newspaper of general circulation in said Town, and be posted on the Town Bulletin Board and that a copy of such Notice of Hearing be referred to the Erie County Department of Planning, pursuant to Section 239(m) of the General Municipal Law, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

June 7, 2004

File: rspecialuseskokpowersystems604

**LEGAL NOTICE
PUBLIC HEARING
SPECIAL USE PERMIT - SKOK POWER SYSTEMS INC.
73 CEMETERY ROAD**

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the authority set forth in Chapter 50-Zoning, Section 20 (B) (1) (j) "Commercial and Motor Service District (CMS)" of the Code of the Town of Lancaster, and the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster adopted on the 7th day of June, 2004 the said Town Board will hold a Public Hearing on the 21st day of June, 2004, at 8:30 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the application of Skok Power Systems Inc. for a Special Use Permit for spraying of bed liners on premises locally known as 73 Cemetery Road, Town of Lancaster, County of Erie, State of New York.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

**BY: JOHANNA M. COLEMAN
Town Clerk**

June 7, 2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster deems it in the public interest to amend Section 50-25 (B) (1) and Section 50-20 (B) (1) (e) of Chapter 50, Zoning of the Code of the Town of Lancaster;

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Section 130 of the Town Law of the State of New York, a Public Hearing on a proposed amendment to Section 50-25 (B) (1) and Section 50-20 (B) (1) (e) of Chapter 50 Zoning, of the Code of the Town of Lancaster, County of Erie and State of New York will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 21st day of June, 2004, at 8:40 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, and that Notice of the time and place of such hearing be published on or before the 10th of June, 2004, in the Lancaster Bee, the official newspaper, being a newspaper of general circulation in said Town, and be posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

June 7, 2004

**LEGAL NOTICE
PUBLIC HEARING
TOWN OF LANCASTER**

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the Town Law of the State of New York and pursuant to a resolution of the Town Board of the Town of Lancaster adopted on the 7th day of June, 2004, the said Town Board will hold a Public Hearing on the 21st day of June, 2004 at 8:40 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the following proposed amendments to Section 50-25 (B) (1) General Industrial District and Section 50-20 (B) (1) (c) Commercial and Motor Service District (CMS) of Chapter 50 Zoning of the Code of the Town of Lancaster:

CHAPTER 50 - ZONING

1. Section 50-25 (B) (1) General Industrial District (GI), of Chapter 50, Zoning, of the Code of the Town of Lancaster shall be amended by adding thereto the following:

"Section 50-25. General Industrial District (GI)

.....

B. Permitted uses.

(1) Principal structures and uses.

.....

(o) Transfer storage site for the temporary storage of waste regulated by NYS DEC by DEC permitted waste transporters by Special Use Permit subject to conditions imposed by the Town Board including but not limited to the following:

- (i) Any storage or facility shall be carried out on a minimum parcel of 25 acres.
- (ii) Any such facility above mentioned shall be located a distance of at least 2000 feet from any adjacent use which is non-agricultural and non-residential in nature and shall further be at least 1000 feet removed from any dedicated highway.
- (iii) Any such facility beforementioned shall be located a distance of at least 5000 feet from any use which is residential in nature.

- (iv) Any area devoted to the use provided for and permitted herein shall be surrounded completely by a berm a minimum of 15 feet in height from existing ground level.
- (v) That the site shall include a well maintained asphalt or concrete drive at least 20 feet in width, running from the nearest dedicated highway to the site and must provide sufficient access for heavy fire and rescue apparatus to all areas of said facility.
- (vi) That the site shall have access to a fully functioning fire hydrant within 50 feet of storage areas. Said fire hydrant shall be capable of supplying an adequate water supply for the purpose of fire suppression and shall be subject to acceptance and approval by the Volunteer Fire Company Chief in whose area the facility is located.
- (vii) That the area permitted for this operation shall be limited to the use of three (3) truck docks; two for deliveries and one for placement of a transport trailer with no right of expansion. Further, the operator shall not be permitted to place more than one transport trailer on site.
- (viii) That a windsock be installed on site to reflect wind direction
- (ix) That security, monitoring and alarm device for detecting fire and/or smoke whether occasioned by a reaction due to leakage or spillage or otherwise and detecting any unauthorized access shall be installed. Said security and monitoring and alarm device to be centrally monitored twenty-four (24) hours per day, seven (7) days per week.
- (x) That such a proposed facility shall be subject to SEQR review.
- (xi) That a safety mechanism be installed to secure the office area and personnel from the storage area in the event of a leak or spill;

- (xii) That loading dock bumpers be installed to ensure a sealed connection between the transport and delivery trucks to the loading platform within the facility;
- (xiii) That a chain link fence with barbed wire be installed to enclose the parking area utilized by any transport vehicles and/or trailers;
- (xiv) That the operator make available, in the manner best determined by the Town's Disaster Coordinator, a complete manifest of all materials present on site at all times;
- (xv) That there be installed in any floor drains and exterior storm water drains and catch basins an absorbent material or "sponge" designed to prevent any accidental spillages from entering the drainage system;
- (xvi) That any materials independently packaged that may be reactive with each other must be stored apart from each other at distances and with additional security precautions as may be required by the NYS DOT and NYS DEC;
- (xvii) That in no event shall any hazardous materials of the following categories be permitted at this location:
 - 1) biological materials
 - 2) radioactive materials
 - 3) explosive materials
- (xviii) That closure of such a facility shall be done by the submission of detailed plans at least ninety (90) days prior to the plan date for closure to the Town of Lancaster which plans shall include the proposed closure date of the facility and the plan for removal of materials and clean up of the site. A performance bond shall be posted upon approval of the site as determined by the Town Board and shall remain in effect until such time as the Town Board is satisfied that the closure of the facility has been completed in strict conformance with the plan approved by the Town Board.

CHAPTER 50 - ZONING

2. Section 50-20. Commercial and Motor Service District (CMS), of Chapter 50, Zoning, of the Code of the Town of Lancaster shall be amended by adding thereto the following:

Section 50-20. Commercial and Motor Service District (CMS)

.....

B. Permitted uses.

(1) Principal structures and uses.

.....

(e) The storage as permitted in this zoning classification shall not include the storage of any waste regulated by the NYS DEC.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

**BY: JOHANNA M. COLEMAN
Town Clerk**

June 7, 2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED IT'S ADOPTION, SECONDED BY
COUNCIL MEMBER AMATURA, TO WIT:

WHEREAS, §1660 (18) Vehicle and Traffic Law permits the Town to designate the location of stop signs and no-passing zones affecting town roads outside of the Villages of Lancaster and Depew, and

WHEREAS, the Town Board of the Town of Lancaster deems it in the public interest to make certain amendments to the Town Ordinance entitled, "VEHICLE AND TRAFFIC ORDINANCE OF THE TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK, DESIGNATED AS CHAPTER 46 OF THE CODE OF THE TOWN OF LANCASTER",

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Section 130 of the Town Law of the State of New York, a public hearing on proposed amendments to the Vehicle & Traffic Ordinance, Chapter 46 of the Code of the Town of Lancaster, County of Erie and State of New York, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 21st day of June 2004, at 8:35 o'clock P.M., Local Time, and that Notice of the Time and Place of such hearing be published on or before June 10, 2004, in the Lancaster Bee, the Official Newspaper, being a newspaper of general circulation in said Town, and be posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

June 7, 2004

File: rvtordchpt46stopsigns604

**LEGAL NOTICE
PUBLIC HEARING
AMENDMENT TO VEHICLE & TRAFFIC ORDINANCE
TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK
DESIGNATED AS CHAPTER 46 OF CODE OF TOWN OF LANCASTER**

LEGAL NOTICE IS HEREBY GIVEN that pursuant to the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 7th day of June, 2004, the said Town Board will hold a Public Hearing on the 21st day of June, 2004, at 8:35 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all persons upon the following amendments to the Vehicle and Traffic Ordinance of the Town of Lancaster, Erie County, New York, designated as Chapter 46 of the Code of said Town:

CHAPTER 46

**Article VIII, STOP INTERSECTIONS; NON-INTERSECTION
STOPS; YIELD INTERSECTIONS
46-8.1 Stop Intersections designated, is hereby amended by adding
thereto the following:**

SUMMERFIELD FARMS SUBDIVISION

<u>STREET NAME</u>	<u>INTERSECTING STREET</u>	<u>SIGN LOCATION</u>
Apple Blossom Boulevard	Ashwood Court	S.E. Corner
Ashwood Court	Apple Blossom Boulevard	S.W. Corner
Ashwood Court	Apple Blossom Boulevard	N.E. Corner
Avian Way	Ashwood Court	S.W. Corner
Avian Way	Ashwood Court	N.E. Corner
Ashwood Court	Avian Way	S.E. Corner

VALLEY OVERLOOK SUBDIVISION

<u>STREET NAME</u>	<u>INTERSECTING STREET</u>	<u>SIGN LOCATION</u>
Overlook Court	Valley Overlook Drive	N.E. Corner

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

By: **JOHANNA M. COLEMAN**
Town Clerk

June 7, 2004
File: rvtordchpt46stopsigns604

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, a vacancy exists in the Zoning Board of Appeals due to the
resignation of Joseph Giglia.

NOW, THEREFORE, BE IT

RESOLVED, that John Abraham, Jr., 4845 Transit Road, Depew, New York
14043, be and is hereby appointed a member of the Zoning Board of Appeals of the Town of
Lancaster for the period June 7, 2004 to December 31, 2006 which is the unexpired term of
Joseph Giglia.

The question of the adoption of the foregoing resolution was duly put to a
vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

June 7, 2004

File: RPERS.BD (P4)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER MONTOUR, TO WIT:

WHEREAS, the Supervisor of the Town of Lancaster has requested creation of
a position of Real Property Appraiser, Part Time in the Assessor's Office of the Town of
Lancaster.

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby
authorized to complete and sign Form PO-17 (New Positions Duties Statement) to create one
position of Real Property Appraiser, Part Time in the Assessor's Office of the Town of
Lancaster.

BE IT FURTHER

RESOLVED, that

1. Nanette Hanley is appointed to fill this position of Real Property
Appraiser, Part Time, in the Assessor's Office, effective June 14, 2004.
2. The salary for this position is \$23.37 per hour.
3. That this appointment, being a part time position, provides no health
insurance, sick days, vacation or other fringe benefits not specifically
mandated by statute for part time employees.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

June 7, 2004

file: rpers\upers.crc (P15)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Executive Director of the Youth Bureau, by letter dated June 2, 2004, has recommended appointments for the Youth Bureau's 2004 Exam Preparation and Summer Programs.

NOW, THEREFORE, BE IT

RESOLVED, that the following individuals be and are hereby appointed to positions in the Youth Bureau's 2004 Exam Preparation and Summer Programs of the Town of Lancaster effective June 7, 2004 at the following rates:

<u>Name</u>	<u>Position</u>	<u>Rate</u>
Linda Aures 7555Ellicott Road West Falls, New York	Tutor	\$15.00 hr.
Stephanie Martindale 4 Traceway Lancaster, New York	Tutor	\$15.00 hr.
Amy Rooth 172 Nathan's Trail Lancaster, New York	Tutor	\$15.50 hr.
Lynn Dalfonso 60 Village View Lancaster, New York	Tutor	\$15.50 hr.
David Calire 4 Westbury Lane Lancaster, New York	Tutor	\$15.50 hr.
Kelly Gangloff 15 East Rouen Cheektowaga, New York	Tutor	\$15.00 hr.
Kim Fornes 10264 Boston State Road Springville, New York	Tutor	\$15.50 hr.
Cheryl Glose 9 Country Place Lancaster, New York	Tutor	\$15.50 hr.
John Kaczorowski 146 Park Forest Williamsville, New York	Tutor	\$8.00 hr.
Emily Skinner 3758 Bowen Road Lancaster, New York	Tutor	\$8.00

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

June 7, 2004
File: Rpers.seasonal (P2)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AMATURA, TO WIT:

WHEREAS, the New York State Liquor Authority requires that an establishment notify the Municipality in which they operate of an application for a liquor license thirty (30) days before it can be issued, and

WHEREAS, Robert Desiderio of Desiderio's Restaurant, 5827 Broadway, Lancaster, New York has requested that the thirty (30) day statutory notification to the Town of Lancaster of an application for a liquor license to the New York State Liquor Authority be waived, and

WHEREAS, this waiver can only be granted by the Town Board in which the premises is located, and

WHEREAS, the Building Inspector, Chief of Police and the Fire Chief have stated that they have no objections to the granting of the waiver.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk is authorized to notify the State Liquor Authority that such application for this license has been received and approved by the Town Board and that the thirty (30) day notification requirement is waived by this Municipality.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

June 7, 2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the Town Board has previously duly advertised for bids for Two (2) Ford Pick-up Trucks (F250 and F350) and Two (2) Ford Small Dump Trucks (F450 and F550), cab chassis only, for use by the Highway Department, and

WHEREAS, bids were received, opened and reviewed on June 3, 2004, and

WHEREAS, the Highway Superintendent by letter dated June 3, 2004, has recommended award of the bid to DELACY FORD, being the lowest responsible bidder with the following amounts:

2005 Ford F250 4 x 4 Supercab pickup, 142" wheelbase - \$21,093
2005 Ford F350 4 x 2 Crew cab pickup, 172" wheelbase - \$19,749
2005 Ford F450 4 x 2 chassis cab, 165" wheelbase - \$24,962
2005 Ford F550 4 x 4 chassis cab, 141" wheelbase - \$29,805

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby awards the Bid for Two (2) Ford Pick-up Trucks (F250 and F350) and Two (2) Ford Small Dump Trucks (F450 and F550), cab chassis only, for use by the Highway Department, to DeLacy Ford, 3061 Transit Road, Elma, New York 14059 in the total amount of \$95,609 being the lowest responsible bidder in conformance with the specifications on file in the office of the Town Clerk.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

June 7, 2004

File: rhighwaypickuptrucksdumptrucks504a

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER MONTOUR, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered paid
from their respective accounts as per abstract to be filed in the Office of the Town Clerk by the
Director of Administration and Finance, to wit:

Claim No. 8943 to Claim No. 9268 Inclusive

Total amount hereby authorized to be paid: \$346,975.53

The question of the foregoing resolution was duly put to a vote on roll call
which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

June 7, 2004

File: Reclaims

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

RESOLVED that the following Building Permit applications be and are hereby reaffirmed:

CODES:

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived for this permit.

(CSW) = Conditional sidewalk waiver.

(V/L) = Village of Lancaster

NEW PERMITS:

11775	Majestic Pools Inc	19 Sussex Ln	Er. Pool-In Grnd	
11776	Majestic Pools Inc	19 Sussex Ln	Er. Fence	
11777	Perillo, Daniel	15 Rue Madeleine Way	Er. Deck	
11778	Alden Pools Inc	296 Westwood Rd	Er. Pool-Abv Grnd	
11779	Porebski, Charles	26 Summit St	Er. Fence	
11780	Sam, Karen	48 Creekwood Dr	Er. Deck	
11781	Smith, Daniel	53 Parkdale Dr	Er. Garage	
11782	Quintessence LLC	5522 Broadway	Dem. Structure	(V/L)
11783	Ferrie, Kenneth	5 Old Orchard Comm	Er. Garage	
11784	Alberti, Mark	491 Eric St	Er. Comm. Bldg.	
11785	Majestic Pools Inc	554 Hall Rd	Er. Fence	
11786	Majestic Pools Inc	554 Hall Rd	Er. Pool-In Grnd	
11787	Marzec Construction	33 Hill Valley Dr	Er. Res. Add.	
11788	Marrano/Marc Equity	17 Avian Way	Er. Dwlg.-Sin.	
11789	O'Rourke, Erik	69 Wilkshire Pl	Er. Deck	(V/L)
11790	Galbo, Thomas	7 Stony Brook Dr	Er. Shed	
11791	Campbell, Timothy	7 Peachtree Ct	Er. Garage	
11792	Wiatrowski, Jeffrey	22 Cedar Brook Dr	Er. Pool-Abv Grnd	
11793	Bentert Enterprises	22 Rue Madeleine Way	Er. Pool-Abv Grnd	
11794	Duro-Shed Inc	19 Gale Dr	Er. Shed	
11795	Capital Fence Co Inc	9 Glendale Dr	Er. Fence	
11796	Norman, Robert	47 Albert Dr	Er. Deck	(V/L)
11797	Gubala, Peter	5608 Broadway	Er. Garage	(V/L)
11798	Baker, James	16 Buckingham Ct	Er. Shed	
11799	Baker, James	16 Buckingham Ct	Er. Deck	
11800	Urbanski, Stephen	428 Lake Ave	Er. Fence	
11801	Premier Fence Co	25 Apple Blossom Blvd	Er. Fence	
11802	Buczowski, Michael	7 Sugar Mill Ct	Er. Fence	
11803	Bengert Enterprises	54 Tomahawk Trl	Er. Pool-Abv Grnd	
11804	L J Builders	1081 Ransom Rd	Er. Res. Add.	
11805	Capital Fence Co	67 Lancaster Ave	Er. Fence	(V/L)

11806	Duro-Shed Inc	71 Old Post Rd	Er. Shed	
11807	Humphrey, Raymond	49 Laverack Ave	Er. Deck	(V/L)
11808	Kross, Mark	8 Schiffler Ct	Er. Deck	
11809	Vacanti, Michael	75 Pleasant View Dr	Er. Pool-Abv Grnd	
11810	Williams, James	30 Cambria St	Er. Deck	(V/L)
11811	Hopkins, David	74 Grant St	Er. Pool-Abv Grnd	(V/L)
11812	Iroquois Fence Inc	5 Ann Marie Dr	Er. Fence	
11813	Rich Pools	149 Albert Dr	Er. Pool-Abv Grnd	(V/L)
11814	Hoare, Matthew	36 Trentwood Trl N	Er. Fence	
11815	Waddy, Glenn	36 Bentley Cir	Er. Pool-Abv Grnd	
11816	Evans, Scott	18 Old Schoolhouse Rd	Er. Deck	
11817	Bengert Enterprises	18 Old Schoolhouse Rd	Er. Pool-Abv Grnd	
11818	Iroquois Fence Inc	14 Parkedge Dr	Er. Fence	
11819	Colley's Pool Sales Inc	17 Schiffler Ct	Er. Pool-In Grnd	
11820	Hagen, Gerald	17 Schiffler Ct	Er. Fence	
11821	Duro-Shed Inc	499 Lake Ave	Er. Shed	
11822	Glamour Pools Inc	100 Freeman Dr	Er. Fence	
11823	Glamour Pools Inc	100 Freeman Dr	Er. Pool-In Grnd	
11824	Premier Pools	12 Rue Madeleine Way	Er. Pool-Abv Grnd	
11825	Kubala, Michelle	18 E Home Rd	Er. Res. Alt.	
11826	Classic Fence & Lumber	39 Stony Brook Dr	Er. Fence	
11827	Classic Fence & Lumber	8 Clermont Ct	Er. Fence	
11828	English Park Village	338 Harris Hill Rd	Er. Sign-Temp	
11829	Wolski, John	139 Nathan's Trl	Er. Deck	
11830	Premier Fence Inc	42 Summerfield Dr	Er. Fence	
11831	Dolyk, Ron	42 Summerfield Dr	Er. Shed	
11832	Sisson, William	18 Carter St	Er. Deck	(V/L)
11833	Bengert Enterprises	22 Cobblestone Ct	Er. Pool-Abv Grnd	
11834	Stierling, Nancy	3 Village View	Er. Shed	
11835	Thurnherr, Bryan	8 Heathrow Ct	Er. Shed	
11836	Stonebraker, Richard	54 Maple Dr	Er. Res. Add.	
11837	Schuster Construction	7 Running Brook Dr	Er. Res. Add.	
11838	A & P Construction	55 Wilma Dr	Er. Res. Add.	(V/L)
11839	Pasternak, Michael	18 Creekwood Dr	Er. Shed	
11840	Duro-Shed Inc	32 Chestnut Corner	Er. Shed	
11841	Maryanski, Thomas Jr	8 Livingston St	Er. Fence	(V/L)
11842	Wojcik, Roberta	71 Livingston St	Er. Deck	(V/L)
11843	Iroquois Fence Inc	42 Irwinwood Rd	Er. Fence	(V/L)
11844 SW	Fisher Homes LLC	676 Townline Rd	Er. Dwlg.-Sin.	
11845	Appenheimer Exteriors	821 Ransom Rd	Er. Fence	
11846	Appenheimer Exteriors	821 Ransom Rd	Er. Deck	
11847	Lobue, Jim	49 W Drullard Ave	Er. Garage	(V/L)
11848	Collingwood Const Co	81 Central Ave	Er. Res. Alt.	(V/L)
11849	Melligan, John	16 Schiffler Ct	Er. Shed	
11850	Marrano/Marc Equity	23 Ashwood Ct	Er. Dwlg.-Sin.	

11851	Kelly, Kim	232 Enchanted Forest	Er. Shed	
11852	Duro-Shed Inc	31 Hidden Trl	Er. Shed	
11853	John Vrundage Inc	23 Church St	Sewer Tap In	(V/L)
11854	Schoenthaler, Kim	109 Robert Dr	Er. Fence	(V/L)
11855	F & D Construction	47 W Home Rd	Er. Res. Add.	
11856	South Shore Const.	127 Sixth Ave	Er. Res. Add.	(V/L)
11857	Gorenflo, Robert	76 Lake Ave	Er. Fence	(V/L)
11858	Felber, Julie	254 Enchanted Forest	Er. Deck	
11859	Leisurewood Design	1200 Penora St	Er. Deck	
11860	Beauty Pools Inc	732 Aurora St	Er. Fence	
11861	Beauty Pools Inc	732 Aurora St	Er. Pool-In Grnd	
11862	Beauty Pools Inc	4845 Transit Rd	Er. Fence	
11863	Beauty Pools Inc	4845 Transit Rd	Er. Pool-In Grnd	
11864	Duro-Shed Inc	48 Lake Ave	Er. Shed	(V/L)
11865	Duro-Shed Inc	48 Lake Ave	Er. Shed	(V/L)
11866	Holiday Remodeling	4 Trentwood Trl	Er. Res. Add.	
11867 SW	Hart, Dennis	342 Schwartz Rd	Er. Dwlg.-Sin.	
11868	Perfect Construction	185 Iroquois Ave	Er. Fence	
11869	Premier Fence	231 Nathan's Trl	Er. Fence	
11870	Hardy, William	41 Madison St	Er. Deck	(V/L)
11871	Williams, James	5 Spring Way	Er. Deck	
11872	Amirs Vision Inc	5425 William St	Dem. Bldgs	
11873	Amirs Vision Inc	5059 Transit Rd	Dem. Garage	
11874	Lanthier, Edward	108 Hinchey Ave	Er. Fence	(V/L)
11875	Gekas, Timothy	8 Park Walk	Er. Shed	
11876	Schaefer, Michael	51 Park Blvd	Er. Res. Add.	(V/L)
11877	Duro-Shed Inc	7 Ann Marie Dr	Er. Shed	
11878	Anthon, Michael	4815 William St	Er. Fence	
11879	Santoro Signs Inc	5755 Broadway	Er. Sign	
11880	Kulback's Construction	1765 Como Park Blvd	Er. Comm. Bldg.	
11881	Duro-Shed Inc	29 Shadyside Ln	Er. Shed	
11882	Majestic Pools Inc	18 Windsor Ridge Dr	Er. Pool-Abv Grnd	
11883	Leisurewood Design	18 Windsor Ridge Dr	Er. Deck	
11884	Duro-Shed Inc	108 Albert Dr	Er. Shed	(V/L)
11885	Albert V. Randaccio Bldr	1 Heathrow Ct	Er. Dwlg.-Sin.	
11886	Duro-Shed Inc	19 Summerfield Dr	Er. Shed	
11887	C. Kelkenberg Inc	140 Pavement Rd	Er. Comm. Add.	
11888	Booker, Jeffrey	432 Aurora St	Er. Shed	
11889	Custom Patio Rooms	258 Enchanted Forest N	Er. Res. Add.	
11890	Tucker Homes Inc	6 Chestnut Corner	Er. Dwlg.-Sin.	
11891	Beauty Pools Inc	55 Stony Brook Dr	Er. Pool-In Grnd	
11892	Pesany, Joseph	55 Stony Brook Dr	Er. Fence	
11893	Town of Lancaster IDA	4845 Transit Rd	Er. Sign-Temp	
11894	Renaud, Kevin	12 Winding Way	Encl. Deck	
11895	Imperial Fence Co	20 Gale Dr	Er. Fence	

11896	Forbes Homes Inc	4 Overlook Ct	Er. Dwlg.-Sin.	
11897	Four Season Constr.	176 Siebert Rd	Er. Res. Add.	
11898	Transit Wehrle Assoc.	6733 Transit Rd	Er. Sign	
11899	North Forest Devel.	2809 Wehrle Dr	Er. Foundation	
11900	Bolender, Thomas	34 Pleasant Ave	Er. Deck	(V/L)
11901	Jusiak, Leonard	515 Lake Ave	Er. Deck	
11902	Marrano/Marc Equity	5 Ashwood Ct	Er. Dwlg.-Sin.	
11903	Dziadyk, Zenart	25 Willow Ridge Ln	Er. Res. Alt.	
11904	Gaglione, Mark	64 Erie St	Er. Res. Add.	(V/L)

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

June 7, 2004

File: Rbldg2

SUSPENDED RESOLUTION:

Supervisor Giza requested a suspension of the necessary rules for immediate consideration of the following resolutions:

Council Member Ruffino moved to suspend the necessary rules for immediate consideration of the following resolutions, seconded by Council Member Montour, which resulted as follows

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

SUSPENSION GRANTED

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the City of Buffalo is in financial straits and its financial affairs are currently being overseen by the Buffalo Fiscal Stability Authority, and

WHEREAS, in an effort to assist the City, it has been proposed that, under an intermunicipal agreement, the County of Erie take over maintaining the City's 180 parks and playgrounds as of July 1, 2004, the beginning of the City's 2004-05 budget year, and

WHEREAS, it is estimated that the City of Buffalo would save \$3.5 million in annual savings over 15 years if this takeover occurs, and

WHEREAS, however, a new worksheet created to answer County lawmakers' questions forecasts that expenses would exceed revenues by almost \$549,000, and

WHEREAS, there are also other unanswered questions regarding whether suburban taxpayers should foot the bill for a county take over of non-regional facilities such as city parks, and

WHEREAS, although this Town Board supports many aspects of regionalism, we are concerned that suburban taxpayers, including those in the Town of Lancaster, will incur increases in their county taxes as a result of the current proposal that the County of Erie take over maintenance of Buffalo's numerous parks and playgrounds.

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board objects to the current proposal whereby the County of Erie would take over maintenance of the City of Buffalo's 180 parks and playgrounds, effective July 1, 2004, and

BE IT FURTHER

RESOLVED, that this Town Board requests the County of Erie and City of Buffalo engage in additional negotiations so that suburban taxpayers of other local governments in Erie County do not suffer increased county taxes as a result of the County's takeover of City parks, and

BE IT FURTHER

RESOLVED, that this Town Board is willing to reconsider its position on this matter if the proposal can be modified to avoid any consequential increases in county taxes to suburban taxpayers, and

BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is directed to forward certified copies of this resolution to the Clerk of the County Legislature, County Executive Joel Giambra, County Legislators serving Lancaster, and to the Mayor of the City of Buffalo.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

June 7, 2004

SUSPENSION GRANTED

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, Appraisal.com currently operates a business within the Town of Lancaster providing services for appraisers, and

WHEREAS, Appraisal.com has provided software and internet web hosting services in Lancaster commencing in the year 2000, and

WHEREAS, Appraisal.com Inc. employs 53 people including one (1) resident of Lancaster and 52 within close proximity, and

WHEREAS, physical limitations have prevented Appraisal.com Inc. from remaining at its current address at 334 Harris Hill Road, Lancaster, New York beyond 2004, and

WHEREAS, Appraisal.com Inc. has attempted to relocate in Lancaster but cannot find comparable space, and

WHEREAS, Appraisal.com Inc. has met with development authorities from the State of Virginia and the State of Florida as well as agencies from other states prior to receiving a proposal to remain in the State of New York, and

WHEREAS, Appraisal.com Inc. has requested that the Town Board of the Town of Lancaster permit it to transfer its operations from the Town of Lancaster to the City of Buffalo Empire Zone, and

WHEREAS, Section 959 (a) (iii) General Municipal Law permits certification of a business enterprise that has shifted its operation from one area of the state into an Empire Zone upon the approval of the municipality in which the company is currently located, and

WHEREAS, the shift from Lancaster into the City of Buffalo Empire Zone will retain this business in Western New York, and

WHEREAS, a public hearing is required prior to any action being undertaken by the Town in which the business is located approving the transfer into another municipality's Empire Zone.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby schedules a public hearing to be held on June 21, 2004 at 8:45 P.M. for purposes of taking public comment on the re-location of this business into the City of Buffalo Empire Zone.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	WAS ABSENT
SUPERVISOR GIZA	VOTED YES

June 7, 2004

File: rappraisal.com

**LEGAL NOTICE
PUBLIC HEARING
APPRAISAL.COM INC.
SHIFT OF OPERATIONS INTO AN EMPIRE ZONE**

LEGAL NOTICE IS HEREBY GIVEN that pursuant to the General Municipal Law Article 18-B, Section 959 (a) (iii) and pursuant to a resolution of the Town Board of the Town of Lancaster adopted on the 7th day of June, 2004, the said Town Board will hold a Public Hearing on the 21st day of June, 2004, at 8:45 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all persons upon the re-location of operations of Appraisal.com Inc. from the Town of Lancaster to the City of Buffalo Empire Zone.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

**By: JOHANNA M. COLEMAN
Town Clerk**

June 7, 2004

File: rappraisal.com

COMMUNICATIONS & REPORTS:

257. Don Pablo's Mexican Kitchen to Town Clerk -
Advisement of application for renewal of liquor license. DISPOSITION = Town Attorney
258. NYS DOT to Town Attorney -
Notification of Lead Agency Designation to the Town of Lancaster regarding proposed Country Club Gardens, Broadway & Pavement; comments noted. DISPOSITION = Planning Committee
259. Erie County Dept. of Environment & Planning to Town Attorney -
Notification of Lead Agency Designation to the Town of Lancaster regarding proposed CarQuest Distribution Center, S.S. of Walden Avenue; comments noted.
DISPOSITION = Planning Committee
260. Erie County Dept. of Environment & Planning to Town Attorney -
Notification of Lead Agency Designation to the Town of Lancaster regarding proposed addition to Harris Hill Nursing Facility; comments noted. DISPOSITION = Planning Committee
261. Federal Emergency Management Agency to Pratt & Huth Associates -
Response to request dated January 29, 2004 for revision to the Flood Insurance Rate Map. DISPOSITION = Town Engineer & Town Attorney
262. Joseph R. Giglia to Town Board -
Notice of resignation from Zoning Board of Appeals. DISPOSITION = Received & Filed
263. Executive Director, Lancaster Opera House to Supervisor -
Request Lancaster honorarily be renamed "Bedford Falls" during Thanksgiving weekend. DISPOSITION = Received & Filed
264. Erie County to Town Board -
Update of Erie County's Public Safety Communications. DISPOSITION = Received & Filed
265. President, Lancaster School Board to Governor George Pataki -
Letter objecting to proposed casino in Cheektowaga. DISPOSITION = Received & Filed
266. David Kalmeyer to NYS DOT -
Letter expressing safety concerns regarding the intersection of Walden Avenue and Central Avenue. DISPOSITION = Received & Filed
267. Town Clerk to Town Board -
Application for Special Use Permit for Skok Power Systems, 73 Cemetery Road.
DISPOSITION = Public Hearing 6/21/04
268. Planning Board Chairman to Planning Board, Town Board, Town Engineer, Deputy Town Attorney, Building Inspector -
Draft copy of Planning Board minutes of meeting held May 19, 2004. DISPOSITION = Received & Filed
269. Planning Board to Town Board -
Recommend approval of Site Plan Review for Buffalo-Lancaster Airport, 4343 Walden Avenue; conditions noted. DISPOSITION = Received & Filed
270. General Crew Chief to Planning Board Chairman, Planning Board Members, Council Members Montour, Ruffino, & Stempniak -
Notice of non-submittal of landscape plan by Catco, 1266 Townline Rd.
DISPOSITION = Planning Committee

271. Town of Elma to Erie County -
Transmittal of resolution requesting speed limit reduction on Townline Road between Clinton Street and Broadway. DISPOSITION = Police Chief
272. NYS Assembly Member Richard A. Smith to Town Clerk -
Notification of receipt of resolution regarding proposal to shift court revenues from municipalities to New York State. DISPOSITION = Received & Filed
273. John M. Abraham, Jr. to Town Board -
Request consideration for appointment to Zoning Board of Appeals. DISPOSITION = Resolution 6/7/04
274. NYS DEC to Town Attorney -
Notification of Lead Agency Designation to the Town of Lancaster regarding proposed CarQuest Distribution Center, S.S. of Walden Avenue; comments noted.
DISPOSITION = Planning Committee
275. NYS DOT to Town Attorney -
Comments regarding site plan review for CarQuest Distribution Center, S.S. Walden Avenue. DISPOSITION = Planning Committee
276. NYS DEC to Town Attorney -
Notification of Lead Agency Designation to the Town of Lancaster regarding proposed Harris Hill Nursing Home addition; comments noted. DISPOSITION = Planning Committee
277. Town Attorney to Town Board, Planning Board, Town Clerk, Building Inspector, Town Engineer -
Notification of SEQR meeting to be held June 7, 2004 at 6:30 PM to consider CarQuest and Harris Hill Nursing Facility projects. DISPOSITION = Received & Filed
278. Town Clerk to Various News Media -
Notification of SEQR meeting to be held June 7, 2004 at 6:30 PM to consider CarQuest and Harris Hill Nursing Facility projects. DISPOSITION = Received & Filed
279. Highway Superintendent to Town Board -
Transmittal of specifications for two plow trucks to be purchased off state contract list.
DISPOSITION = Received & Filed
280. NYS DOT to Town Board -
Notice of Designation of Restricted Highway of Transit Road from Gould Avenue north to French Road effective until August 30, 2004 during rehabilitation work.
DISPOSITION = Received & Filed, Police Chief
281. Adelphia to Town Board -
Notification of changes in cable programming. DISPOSITION = Received & Filed
282. Lancaster Motorsports Park to Town Board -
Letter of introduction and notification of changes regarding Lancaster Speedway.
DISPOSITION = Received & Filed
283. NYS DEC to Lafarge North America -
Notice of renewal of mining permit for operation of South Peppermint Road site.
DISPOSITION = Town Attorney
284. NYS Office of Parks, Recreation and Historic Preservation to Supervisor -
Notice of non-approval for funding for Keysa Park Rehabilitation project.
DISPOSITION = Received & Filed
285. Lancaster Rural Cemetery Association to Supervisor, Town Board -
Letter of appreciation for financial support to cemetery. DISPOSITION = Received & Filed

286. Ralph Yorio & Lorraine Yorio to Supervisor -
Letter of opposition to Anastasi rezone petition for Pavement Road parcel.
DISPOSITION = Received & Filed
287. Town Clerk to Town Board -
Transmittal of fourth settlement of 2004 County/Town Tax Warrant. DISPOSITION =
Received & Filed
288. NYS DOT to Town Attorney -
Notification of Lead Agency Designation to the Town of Lancaster regarding proposed
T-Hanger at Buffalo-Lancaster Airport, 4343 Walden Avenue. DISPOSITION =
Planning Committee
289. Robert Desiderio to Town Clerk -
Notification of proposed patio addition to Desiderio's Restaurant and application for
liquor license. DISPOSITION = Resolution 6/7/04
290. NYS DEC to Planning Board Chairman -
Response to letter from Town Building Inspector dated May 19, 2004 regarding
proposed Whispering Pines Subdivision. DISPOSITION = Planning Committee
291. Town Clerk to Town Board -
Transmittal of monthly report for May 2004. DISPOSITION = Received & Filed
292. NYS Senator Dale M. Volker to Town Clerk -
Notification of receipt of resolution regarding proposal to shift court revenues from
municipalities to New York State. DISPOSITION = Received & Filed
293. NYS DEC to Town Attorney -
Notification of Lead Agency Designation to the Town of Lancaster regarding proposed
T-Hanger at Buffalo-Lancaster Airport, 4343 Walden Avenue. DISPOSITION =
Planning Committee
294. Highway Superintendent to Town Board -
Request for resolution for the purchase of new vehicles from DeLacy Ford, Inc.
DISPOSITION = Resolution 6/7/04
295. Planning Board Chairman to Planning Board, Town Board, Town Engineer, Deputy Town
Attorney, Building Inspector -
Draft copy of Planning Board minutes of meeting held June 2, 2004. DISPOSITION =
Received & Filed
296. Planning Board to Town Board -
Recommend approval of Preliminary Plat Review for Whispering Pines Subdivision,
E.S. of Aurora St., S. of William St.; conditions noted. DISPOSITION = Planning
Committee
297. Planning Board to Town Board -
Recommend tabling of Site Plan Review for a minor subdivision, W.S. of Siebert Road,
S. of William Street. DISPOSITION = Planning Committee
298. Planning Board to Town Board -
Recommend approval of Site Plan Review for Catco Construction, 1266 Townline
Road; conditions noted. DISPOSITION = Planning Committee
299. Executive Director, Youth Bureau to Supervisor -
Request resolution to hire exam prep and summer program employees.
DISPOSITION = Resolution 6/7/04
300. Town of Amherst to Supervisor -
Enclosure of Town of Amherst Bicentennial Comprehensive Plan. DISPOSITION =
Received & Filed

301. Timothy J. Manko, Laurie A. Manko to Superintendent, Lancaster Schools -
Letter regarding safety of school children at bus stops. DISPOSITION = Received &
Filed
302. National Fuel to Supervisor -
Letter regarding abandonment of "paper streets" and utility easements. DISPOSITION
= Town Attorney
303. Erie County Legislature Clerk to Town Board -
Transmittal of resolution regarding farming and farmland. DISPOSITION = Received
& Filed

ADJOURNMENT:

**ON MOTION MADE BY COUNCIL MEMBER AMATURA AND SECONDED BY
COUNCIL MEMBER MONTOUR AND CARRIED,** the meeting was adjourned at 10:45
P.M.

Signed 
Johanna M. Coleman, Town Clerk